



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5613

Introduced 2/15/2012, by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

Amends the Illinois Municipal Code. Provides that when a person who (i) has not timely filed valid nomination papers and (ii) intends to become a write-in candidate for nomination for any uncontested office files a written statement or notice of that intent, if the write-in candidate becomes the third (now, fifth) candidate filed, a primary ballot must be prepared and a primary must be held for the office.

LRB097 19143 KMW 64385 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-20-45 as follows:

6 (65 ILCS 5/3.1-20-45)

7 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
8 office. A city incorporated under this Code that elects
9 municipal officers at nonpartisan primary and general
10 elections shall conduct the elections as provided in the
11 Election Code, except that no office for which nomination is
12 uncontested shall be included on the primary ballot and no
13 primary shall be held for that office. For the purposes of this
14 Section, an office is uncontested when not more than 4 persons
15 to be nominated for each office have timely filed valid
16 nominating papers seeking nomination for the election to that
17 office.

18 Notwithstanding the preceding paragraph, when a person (i)
19 who has not timely filed valid nomination papers and (ii) who
20 intends to become a write-in candidate for nomination for any
21 office for which nomination is uncontested files a written
22 statement or notice of that intent with the proper election
23 official with whom the nomination papers for that office are

1 filed, if the write-in candidate becomes the third ~~fifth~~
2 candidate filed, a primary ballot must be prepared and a
3 primary must be held for the office. The statement or notice
4 must be filed on or before the 61st day before the consolidated
5 primary election. The statement must contain (i) the name and
6 address of the person intending to become a write-in candidate,
7 (ii) a statement that the person intends to become a write-in
8 candidate, and (iii) the office the person is seeking as a
9 write-in candidate. An election authority has no duty to
10 conduct a primary election or prepare a primary ballot unless a
11 statement meeting the requirements of this paragraph is filed
12 in a timely manner.

13 If there is a primary election, then candidates shall be
14 placed on the ballot for the next succeeding general municipal
15 election in the following manner:

16 (1) If one officer is to be elected, then the 2
17 candidates who receive the highest number of votes shall be
18 placed on the ballot for the next succeeding general
19 municipal election.

20 (2) If 2 aldermen are to be elected at large, then the
21 4 candidates who receive the highest number of votes shall
22 be placed on the ballot for the next succeeding general
23 municipal election.

24 (3) If 3 aldermen are to be elected at large, then the
25 6 candidates who receive the highest number of votes shall
26 be placed on the ballot for the next succeeding general

1 municipal election.

2 The name of a write-in candidate may not be placed on the
3 ballot for the next succeeding general municipal election
4 unless he or she receives a number of votes in the primary
5 election that equals or exceeds the number of signatures
6 required on a petition for nomination for that office or that
7 exceeds the number of votes received by at least one of the
8 candidates whose names were printed on the primary ballot for
9 nomination for or election to the same office.

10 (Source: P.A. 97-81, eff. 7-5-11.)